

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **MA-211 of 2018(OA-639 of 2018)**

Samir Kumar Bagchi

Versus

The State of West Bengal & Others.

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1 <u>03</u> 18/02/2019	<p style="text-align: center;">2</p> <p>For the Applicant : <i>Mr. A. Lahiri,</i> <i>Mr. S.K. Mondal,</i> <i>Ld. Advocates.</i></p> <p>For the Respondent No. 1 & 2 : <i>Mr. M.N. Roy,</i> <i>Ld. Advocate.</i></p> <p>For the Respondent No. 3 & 4 : <i>Mrs. S. Agarwal,</i> <i>Ld. Advocate.</i></p> <p><i>13 (thirteen) applicants of both MA-211 of 2018 and MA-212 of 2018 have prayed for impleading them as respondents in OA-639 of 2018 and OA-659 of 2018 on the ground that they have a right to be heard in both the original applications as their rights may be prejudiced as soon as the applicants of the original application will get the remedy prayed for.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the contents of the Miscellaneous applications and the background of filing the original application we find that the original applicants got promotion to the post of Assistant Engineer with retrospective effect from November 21, 1994, whereas 13 (thirteen) applicants of Miscellaneous applications joined in the post of Assistant Engineer during the period from 1995 to 2000 as directly recruited officers. Admittedly, some</i></p>	3

ORDER SHEET – (Continuation)

Form No.

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	<p><i>of the applicants of the Miscellaneous applications have got promotion to the post of Executive Engineer and even to the post of Superintending Engineer but eligibility criteria for promotion to the post of Executive Engineer will stand modified if the prayer of the original application is allowed. In our view, 13 (thirteen) applicants of Miscellaneous applications will be prejudiced if they do not get any opportunity of hearing in the original application. On the other hand, we consider the apprehension of Mr. Lahiri, Learned Counsel representing the applicants of the original application that one of the applicants will retire from service in the month of April 2019.</i></p> <p><i>Under the above circumstances, leave is granted to the advocate on record of the applicants of the original application to implead 13 (thirteen) applicants of MA-211 of 2018 and MA-212 of 2018 as Private respondents in OA-639 of 2018 and OA-659 of 2018 by way of amendment of the cause-title in course of this day. MA-211 of 2018 and MA-212 of 2018, thus, stand disposed of.</i></p> <p style="text-align: center;">Sd/- S. K. DAS MEMBER(A)</p> <p style="text-align: center;">Sd/- R. K. BAG MEMBER(J)</p>	

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